

REMARKS

A. Status of the Claims

Claims 2 and 4-50 were pending at the time of the Action. Claims 36-45 were previously withdrawn and are believed to be subject to rejoinder as set forth below.

B. Status of Rejections

It is believed that all of the rejections have been overcome and that the case is in condition for allowance in view of the comments and amendments provided herein. In the event that any rejection is maintained, Applicants respectfully traverse to ensure the responsiveness of this paper.

C. Request for Rejoinder

Applicants note that each of the withdrawn claims, claims 36-45, are method claims that incorporate all of the limitations of an allowable product claim. Specifically, each of these claims refer back to and incorporate the limitations of claim 24, which is a product claim directed to a transgenic plant as defined in the claim, and specify a particular method of use for this transgenic plant. Claims 36-45 are therefore subject to rejoinder pursuant to M.P.E.P. §821.04(b) and such action is thus respectfully requested.

D. Conclusion

This is submitted to be a complete response to the referenced Office Action. In conclusion, Applicants submit that, in light of the foregoing remarks, the present case is in condition for allowance and such favorable action is respectfully requested.

The Examiner is invited to contact the undersigned at (214)259-0931 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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